

Subcommittee recommendations

Uniform Criminal Justice Data and Identification Standards Subcommittee

Draft 2/14/2020

Possible overall recommendations

- DOC already planning to change their policy on letting people change their names on file to their legal names.
- BCA could develop a marker for the criminal history database to indicate the most recently-known legal name with specific parameters.
- If the person charged is proven not to be the person cited/arrested, ensure prosecutor automatically sends expungement with dismissal.
- Guidance or statute on the system using people's legal name if known
- Training to criminal justice system employees to show the value of ensuring someone's legal name is used once someone is in the system.

Possible fingerprinting recommendations

If the Advisory Group would like law enforcement to capture more fingerprints to better ensure justice, the following is one possibility:

- Law enforcement could take a fingerprint electronically when citing someone
 - Only for citations or offenses where law enforcement personally interacts with someone
 - Existing booking and arrest fingerprinting processes would not change
- Fingerprint is stored in e-charging
 - Not a searchable database; not tied to criminal history or other databases
 - Deliberately limits how the fingerprint can be used
- At court, the suspected offender's fingerprint is captured again
 - Proves they are the same person who interacted with law enforcement
 - Allows someone to prove someone else lied and used their name

Implications:

- Would need to change statute
- Would need to develop a process for law enforcement, courts, and others
- Would need to develop rules around data retention and privacy
 - e-charging retains data for one year
- Law enforcement and courts would possibly need to purchase additional technology

Glossary terms

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- **Legal name:** The name on someone's birth certificate or a name that has been established through a legal process (marriage certificate, divorce decree, name change findings and order, immigration documentation).
- **Alias:** Current or former legal name, or other name an individual is known by or provides during the criminal justice process or encounter. For example, they may provide their mother's maiden name, nickname, or a name that is not close to theirs at all, such as the name of an acquaintance. In some criminal justice databases, someone's legal name could be listed as an alias; some of the systems list all reported names as aliases.
- **First reported name:** The name used at the time the record was established in a criminal justice database; it may or may not be the person's legal name. May also be referred to as the "Master Name."
- **Biometric:** "The measurement and analysis of unique physical or behavioral characteristics (such as fingerprint or voice patterns) especially as a means of verifying personal identity."¹ In Minnesota, the criminal justice system only uses fingerprints as a biometric.
- **Identity:** Who a person is. Some items that contribute to an identity are the name, date of birth, and biometrics associated with an individual. Different criminal justice partners use different identity markers as the center of a person's record in their systems:
 - **Law enforcement:** Name and date of birth, local ID.
 - **Courts:** Name and date of birth, Person ID
 - **BCA:** Criminal history state identification number supported by fingerprints
 - **Prosecutors:** Name and date of birth
 - **Corrections:** Offender identification number confirmed by fingerprints
- **Criminal History System (CHS):** Minnesota's central repository for data on persons who have been fingerprinted for felony, gross misdemeanor, and some misdemeanor offenses. It is used by the criminal justice community for decisions regarding investigations, arrests, bail/bond, criminal charges, plea bargains, convictions, probation, and placement in correctional facilities. It is also used during mandated background checks on individuals seeking employment or licensing for various positions.
- **Rapid ID:** A process using a portable device that can be used to capture two fingerprints from someone. The system searches Minnesota and FBI databases to look for a record associated with those prints. The scanned fingerprints are not stored. The system cannot verify the identity of someone who has no recorded prints in those databases.
- **Questioned Identity:** A situation in which a person's name has been given by another to law enforcement during a booking or citation; the uninvolved person has discovered that their name is contained in a criminal history record not belonging to them.

¹ <https://www.merriam-webster.com/dictionary/biometrics>

- **Questioned Identity Letter:** A letter from the BCA that states that a record exists, but as determined through a fingerprint comparison, the person who was issued the letter is not the subject of the criminal history record containing their name and date of birth. It helps the person prove they are not the subject of a criminal history record, such as during background checks for employment or housing.
- **Verification of identity:** The process of determining one's identity through the review of documents (e.g. Driver License, Passport), databases (DVS records), or performing a fingerprint comparison (manual or through Rapid ID).
- **Citation:** An interaction with law enforcement that results in a ticket.
- **Arrest:** When someone is held in law enforcement custody. In most Minnesota counties, the person is taken to an adult detention center and law enforcement completes a booking.
- **Booking:** When law enforcement captures fingerprints, a photograph, and personal information about a person. They also document the nature of the alleged crime.
- **Field booking:** When law enforcement captures a criminal suspect's personal information, photograph, and fingerprint(s) in the field rather than bringing them to a facility. They also document the nature of the alleged crime. This is not a current practice in Minnesota.
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- **Criminal complaint:** A document filed in court by the government charging an individual with a crime. This typically includes the name and date of birth of the defendant, as well as details about the charges.
- **Biosignature:** When law enforcement captures a fingerprint on a citation as a biosignature. Can be used to verify that this person was served/received a citation. Protects against misuse of identity.